

DEC 02 2004

PTO/SB/20 (09-04)

Approved for use through 07/21/05, OMB 0531-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request For Continued Examination (RCE) Transmittal Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/822,985
	Filing Date	March 29, 2004
	First Named Inventor	Thomas INNEARITY
	Art Unit	1854
	Examiner Name	A. Gupta
	Attorney Docket Number	220002059710

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☒ Consider the arguments in the Response to Final Office Action previously filed on 8/7/04, in the Supplemental Amendment After Final Action filed on 10/4/04, and in the Supplemental Amendment After Final Action filed on 11/8/04.
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Information Disclosure Statement (IDS)
- iii. ☒ Other Fee Transmittal (1 page + duplicate for fee processing); Facsimile coversheet (1 page)
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952. I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Karen R. Zachow</i>	Date	December 2, 2004
Name (Print/Type)	Karen R. Zachow, Ph.D.	Registration No.	46,332

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office at (713) 872-0000, on the date shown below.

Dated: December 2, 2004 Signature: *[Signature]* (Grace L. Yu)

sd-233318

PAGE 24 * RCVD AT 12/22/2004 8:21:03 PM [Eastern Standard Time] * SVR:USPTO-EFAXF-13 * DNS:8720306 * CSD:18587205125 * DURATION (mm:ss):01:58

Shirley E.

PTO/SB17 (10-04-02)
Approved for use through 12/31/03. 0319 0319-10002
U.S. Patent and Trademark Office U.S. DEPT. OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004 Patent fees are subject to annual review.

☒ Applicant claims small entity status. See 37 CFR 1.37

TOTAL AMOUNT OF PAYMENT (1) 395.00		Complete if Known	
		Application Number	09/822,985
		Filing Date	March 29, 2001
		First Named Inventor	Thomas INNER URITY
		Examiner Name	A. Gupta
		Art Unit	1654
		Attorney Docket No.	220002059710

<p>METHOD OF PAYMENT (check all that apply)</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> Note</p> <p><input checked="" type="checkbox"/> Deposit Account</p> <p>Deposit Account Number: 03-1852</p> <p>Deposit Account Name: Morrison & Foerster LLP</p> <p>The Director is authorized for (check all that apply)</p> <p><input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayment</p> <p><input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)</p> <p><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee in the above-designated deposit account.</p>	<p>FEE CALCULATION (continued)</p> <p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (1)</th> <th>Small Entity Fee Code (2)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1081</td><td>130</td><td>2051 85 Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1082</td><td>80</td><td>2052 25 Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1083</td><td>130</td><td>1003 130 New/English specification</td><td></td></tr> <tr><td>1012</td><td>3,630</td><td>1013 3,630 Per filing a request for or reply to a notice of allowance</td><td></td></tr> <tr><td>1804</td><td>620*</td><td>1804 620* Requesting publication of SR prior to examination</td><td></td></tr> <tr><td>1806</td><td>1,840*</td><td>1806 1,840* Requesting publication of SR after examination</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251 55 Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>430</td><td>2252 215 Extension for reply within second or third month</td><td></td></tr> <tr><td>1263</td><td>960</td><td>2263 480 Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,530</td><td>2254 765 Extension for reply within fourth month</td><td></td></tr> <tr><td>1323</td><td>2,080</td><td>2354 1,040 Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>340</td><td>2401 170 Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>340</td><td>2402 170 Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>300</td><td>2403 150 Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,610</td><td>1451 1,610 Petition to institute a reissue proceeding</td><td></td></tr> <tr><td>1482</td><td>110</td><td>2482 55 Petition to revoke - unintentional</td><td></td></tr> <tr><td>1483</td><td>1,370</td><td>2483 685 Petition to revoke - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,370</td><td>2501 685 Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>430</td><td>2502 215 Design issue fee</td><td></td></tr> <tr><td>1509</td><td>890</td><td>2509 445 Plant issue fee</td><td></td></tr> <tr><td>1600</td><td>730</td><td>1600 365 Positions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>60</td><td>1807 30 Presenting the under 37 CFR 1.17(i)</td><td></td></tr> <tr><td>1808</td><td>180</td><td>1808 90 Submission of Information Disclosure Sheet</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021 20 Recording each patent assignment or property (shows number of properties)</td><td></td></tr> <tr><td>1809</td><td>730</td><td>2009 365 Filing a nomination after the request (37 CFR 1.129(p))</td><td></td></tr> <tr><td>1910</td><td>700</td><td>2010 350 For each additional invention to be examined (37 CFR 1.128(p))</td><td></td></tr> <tr><td>1801</td><td>730</td><td>2801 365 Request for Continued Examination (RCE)</td><td>365.00</td></tr> <tr><td>1802</td><td>800</td><td>1802 400 Renewal fee (expedited examination of a design application)</td><td></td></tr> </tbody> </table> <p>Other fee (specify):</p> <p>Reduced by Basic Filing Fee Paid</p> <p>SUBTOTAL (2) (1) 395.00</p>	Large Entity Fee Code (1)	Small Entity Fee Code (2)	Fee Description	Fee Paid	1081	130	2051 85 Surcharge - late filing fee or oath		1082	80	2052 25 Surcharge - late provisional filing fee or cover sheet		1083	130	1003 130 New/English specification		1012	3,630	1013 3,630 Per filing a request for or reply to a notice of allowance		1804	620*	1804 620* Requesting publication of SR prior to examination		1806	1,840*	1806 1,840* Requesting publication of SR after examination		1251	110	2251 55 Extension for reply within first month		1252	430	2252 215 Extension for reply within second or third month		1263	960	2263 480 Extension for reply within third month		1254	1,530	2254 765 Extension for reply within fourth month		1323	2,080	2354 1,040 Extension for reply within fifth month		1401	340	2401 170 Notice of Appeal		1402	340	2402 170 Filing a brief in support of an appeal		1403	300	2403 150 Request for oral hearing		1451	1,610	1451 1,610 Petition to institute a reissue proceeding		1482	110	2482 55 Petition to revoke - unintentional		1483	1,370	2483 685 Petition to revoke - unintentional		1501	1,370	2501 685 Utility issue fee (or reissue)		1502	430	2502 215 Design issue fee		1509	890	2509 445 Plant issue fee		1600	730	1600 365 Positions to the Commissioner		1807	60	1807 30 Presenting the under 37 CFR 1.17(i)		1808	180	1808 90 Submission of Information Disclosure Sheet		8021	40	8021 20 Recording each patent assignment or property (shows number of properties)		1809	730	2009 365 Filing a nomination after the request (37 CFR 1.129(p))		1910	700	2010 350 For each additional invention to be examined (37 CFR 1.128(p))		1801	730	2801 365 Request for Continued Examination (RCE)	365.00	1802	800	1802 400 Renewal fee (expedited examination of a design application)	
Large Entity Fee Code (1)	Small Entity Fee Code (2)	Fee Description	Fee Paid																																																																																																																		
1081	130	2051 85 Surcharge - late filing fee or oath																																																																																																																			
1082	80	2052 25 Surcharge - late provisional filing fee or cover sheet																																																																																																																			
1083	130	1003 130 New/English specification																																																																																																																			
1012	3,630	1013 3,630 Per filing a request for or reply to a notice of allowance																																																																																																																			
1804	620*	1804 620* Requesting publication of SR prior to examination																																																																																																																			
1806	1,840*	1806 1,840* Requesting publication of SR after examination																																																																																																																			
1251	110	2251 55 Extension for reply within first month																																																																																																																			
1252	430	2252 215 Extension for reply within second or third month																																																																																																																			
1263	960	2263 480 Extension for reply within third month																																																																																																																			
1254	1,530	2254 765 Extension for reply within fourth month																																																																																																																			
1323	2,080	2354 1,040 Extension for reply within fifth month																																																																																																																			
1401	340	2401 170 Notice of Appeal																																																																																																																			
1402	340	2402 170 Filing a brief in support of an appeal																																																																																																																			
1403	300	2403 150 Request for oral hearing																																																																																																																			
1451	1,610	1451 1,610 Petition to institute a reissue proceeding																																																																																																																			
1482	110	2482 55 Petition to revoke - unintentional																																																																																																																			
1483	1,370	2483 685 Petition to revoke - unintentional																																																																																																																			
1501	1,370	2501 685 Utility issue fee (or reissue)																																																																																																																			
1502	430	2502 215 Design issue fee																																																																																																																			
1509	890	2509 445 Plant issue fee																																																																																																																			
1600	730	1600 365 Positions to the Commissioner																																																																																																																			
1807	60	1807 30 Presenting the under 37 CFR 1.17(i)																																																																																																																			
1808	180	1808 90 Submission of Information Disclosure Sheet																																																																																																																			
8021	40	8021 20 Recording each patent assignment or property (shows number of properties)																																																																																																																			
1809	730	2009 365 Filing a nomination after the request (37 CFR 1.129(p))																																																																																																																			
1910	700	2010 350 For each additional invention to be examined (37 CFR 1.128(p))																																																																																																																			
1801	730	2801 365 Request for Continued Examination (RCE)	365.00																																																																																																																		
1802	800	1802 400 Renewal fee (expedited examination of a design application)																																																																																																																			

<p>1. BASIC FILING FEE</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (1)</th> <th>Small Entity Fee Code (2)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1001</td><td>700</td><td>2001 350 Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>330</td><td>2002 165 Design filing fee</td><td></td></tr> <tr><td>1003</td><td>860</td><td>2003 430 Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>730</td><td>2004 365 Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>150</td><td>2005 75 Provisional filing fee</td><td></td></tr> </tbody> </table> <p>SUBTOTAL (1) (1) 0.00</p>	Large Entity Fee Code (1)	Small Entity Fee Code (2)	Fee Description	Fee Paid	1001	700	2001 350 Utility filing fee		1002	330	2002 165 Design filing fee		1003	860	2003 430 Plant filing fee		1004	730	2004 365 Reissue filing fee		1005	150	2005 75 Provisional filing fee		<p>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (1)</th> <th>Small Entity Fee Code (2)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202 9 Claims in excess of 30</td><td></td></tr> <tr><td>1201</td><td>58</td><td>2201 44 Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>200</td><td>2203 100 Multiple dependent claims, if not paid</td><td></td></tr> <tr><td>1204</td><td>89</td><td>2204 44 Retrospective independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205 9 Retrospective claims in excess of 30 over original patent</td><td></td></tr> </tbody> </table> <p>SUBTOTAL (2) (1) 0.00</p>	Large Entity Fee Code (1)	Small Entity Fee Code (2)	Fee Description	Fee Paid	1202	18	2202 9 Claims in excess of 30		1201	58	2201 44 Independent claims in excess of 3		1203	200	2203 100 Multiple dependent claims, if not paid		1204	89	2204 44 Retrospective independent claims over original patent		1205	18	2205 9 Retrospective claims in excess of 30 over original patent	
Large Entity Fee Code (1)	Small Entity Fee Code (2)	Fee Description	Fee Paid																																														
1001	700	2001 350 Utility filing fee																																															
1002	330	2002 165 Design filing fee																																															
1003	860	2003 430 Plant filing fee																																															
1004	730	2004 365 Reissue filing fee																																															
1005	150	2005 75 Provisional filing fee																																															
Large Entity Fee Code (1)	Small Entity Fee Code (2)	Fee Description	Fee Paid																																														
1202	18	2202 9 Claims in excess of 30																																															
1201	58	2201 44 Independent claims in excess of 3																																															
1203	200	2203 100 Multiple dependent claims, if not paid																																															
1204	89	2204 44 Retrospective independent claims over original patent																																															
1205	18	2205 9 Retrospective claims in excess of 30 over original patent																																															

*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Karen R. Zachow, Ph.D.	Application No.	46,332
Signature	<i>Karen R. Zachow</i>	Telephone	(858) 721-6191
		Date	December 2, 2004

Duplicate Copy
For Fee Processing

84-233318